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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

13 ANDREA SOMMERS and HARRY
SUEISHI, as Guardians of EDITH SELF, an
14 Adult Ward,

Plaintiffs,

15 v.
16

17 DANIEL C. CUDDY, JR., individually and as
President, Secretary, Treasurer, and Director of
18 Personnel Benefits Group, Inc.; PERSONNEL
BENEFITS GROUP, INC., a Nevada
19 Corporation d/b/a Personnel Benefits Group
and Retirement Benefits Group; NATIONAL
20 WESTERN LIFE INSURANCE COMPANY,
a Colorado corporation; DOE DEFENDANTS
21 I-XXX; ROE CORPORATIONS I-XXX,
inclusive.
22

Defendants.
23

Case No.: 2:08-cv-00078-RCJ-RJJ

**JOINT MOTION TO STAY
PROCEEDINGS PENDING
MEDIATION**

24 Plaintiffs in above-captioned case, by and through their undersigned counsel of record, and
25 Defendants, by and through their attorneys, LARRY E. MOBLEY, ESQ., of BARRASO, USDIN,
26 KUPPERMAN, FREEMAN & SARVER, LLC, and REX D. GARNER, ESQ. of MORRIS LAW
27 GROUP, hereby move the Court to stay all proceedings in this action pending the conclusion of
28 mediation among the parties.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **INTRODUCTION**

4 On December 14, 2012, Defendants Daniel C. Cuddy, Jr. and Personnel Benefits Group, Inc.
 5 filed a Motion for Summary Judgment [Docket No. 148] and Defendant National Western Life
 6 Insurance filed a Motion for Summary Judgment [Docket No. 149] (collectively, the “Motions for
 7 Summary Judgment”). Following consultation with Defendants and their subsequent consent,
 8 Plaintiff filed a Stipulation and Order for an Extension of Time to File Plaintiffs’ Opposition to
 9 Defendants’ Motions for Summary Judgment (First Request) [Docket No. 157], which remains
 10 pending before the Court, to extend such deadline up to and including Tuesday, January 22, 2013,
 11 to permit the filing of the instant Motion for the Court’s consideration.

12 The parties have agreed to pursue mediation, which is currently set for March 15, 2013, with
 13 Bongiovi Dispute Resolutions, in the hope of fully and finally resolving the instant litigation. The
 14 parties have further agreed to bring the instant Motion seeking to stay the proceedings, including the
 15 tolling of Plaintiffs’ deadline to file and serve oppositions to the Motions for Summary Judgment
 16 and any hearing on such Motions for Summary Judgment together with all other scheduled dates
 17 and deadlines until after the scheduled mediation is concluded. The tolling of the remaining dates
 18 and deadlines in these proceedings will allow the parties an opportunity to attempt to settle this
 19 litigation without incurring any more fees and costs than absolutely necessary; thereby conserving
 20 resources for all concerned, including the Court, as much as possible.

21 **II.**

22 **ARGUMENT**

23 The Court has the inherent authority to stay proceedings before it. Mangani v. Merck &
 24 Co., No. 2:06-cv-00914, 2006 WL 2707459, at *1 (D. Nev.) (citing Rohan ex rel. Gates v.
 25 Woodford, 334 F.3d 803, 817 (9th Cir. 2003)). Factors relevant to the Court’s consideration of a
 26 motion to stay proceedings include “any potential prejudice to the non-moving party, hardship or
 27 inequity to the moving party if the proceedings are not stayed, and the interests of judicial economy
 28 and efficiency.” Id.

1 shall notify the Court of the outcome of the mediation within 10 days of the conclusion of the
2 mediation.

3 DATED this 15th day of January, 2013.

4 Respectfully submitted by:

5 **THE BACH LAW FIRM, LLC**

6 By /s/ Anne M. Loraditch
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13 Approved as to form and content:

14 **BARRASO, USDIN, KUPPERMAN,**
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Attorneys for National Western Defendants

21
22 **ORDER**

23 IT IS SO ORDERED. The above-captioned matter is stayed. The parties are ordered to file
24 a status report on or before March 25, 2013.

25 Dated this 30 day of January, 2013.

26
27 
28 UNITED STATES DISTRICT COURT JUDGE